

STANDARD APPLICATION
Harford County
Board of Appeals
 Bel Air, Maryland 21014

RECEIVED

Case No. 5507
 Date Filed 7/20/05
 Hearing Date _____
 Receipt _____
 Fee \$ 430.00

HARFORD COUNTY COUNCIL

Shaded Areas for Office Use Only

Type of Application

- _____ Administrative Decision/Interpretation
 _____ Special Exception
 _____ Use Variance
 _____ Change/Extension of Non-Conforming Use
 _____ Minor Area Variance
 _____ Area Variance
 _____ Variance from Requirements of the Code
 _____ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5507 MAP 48 TYPE Variance

ELECTION DISTRICT 03 LOCATION 805 Peppard Drive, Bel Air 21014

BY Gerald Tassone

Appealed because a variance pursuant to Sec. 267-36B, Table VI of the Harford

County Code to allow an enclosed sunroom to maintain a 23' rear yard setback (30' required) in the R3 district requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Gerald Tassone Betty Ann Tassone Phone Number 410-879-4305

Address 805 Peppard Dr. Bel Air, MD 21014
 Street Number Street City State Zip Code

Co-Applcant _____ Phone Number _____

Address _____
 Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
 Street Number Street City State Zip Code

Attorney/Representative Patio Enclosures Inc. (contractor) Phone Number 410-760-1919

Address 224 8th Ave NW Glen Burnie, MD 21061
 Street Number Street City State Zip Code

Land Description

Address and Location of Property 805 Peppard Dr. Bel Air, MD 21014

Subdivision Brentwood Park

Lot Number 100

Acreage/Lot Size 6,534 sq'

Election District 03

Zoning R3 Cos

Tax Map No. 48

Grid No. 1E

Parcel 234

Water/Sewer: Private ☐

Public ☒

List ALL structures on property and current use: SFD, Screen Porch

Estimated time required to present case: Twenty Minuits

If this Appeal is in reference to a Building Permit, state number No

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

Request a variance to allow an existing roofed porch to be enclosed with glass for a one story 21' x 14'

unheated enclosed sun room with a rear yard setback of 23 feet in lieu of the required 30 feet

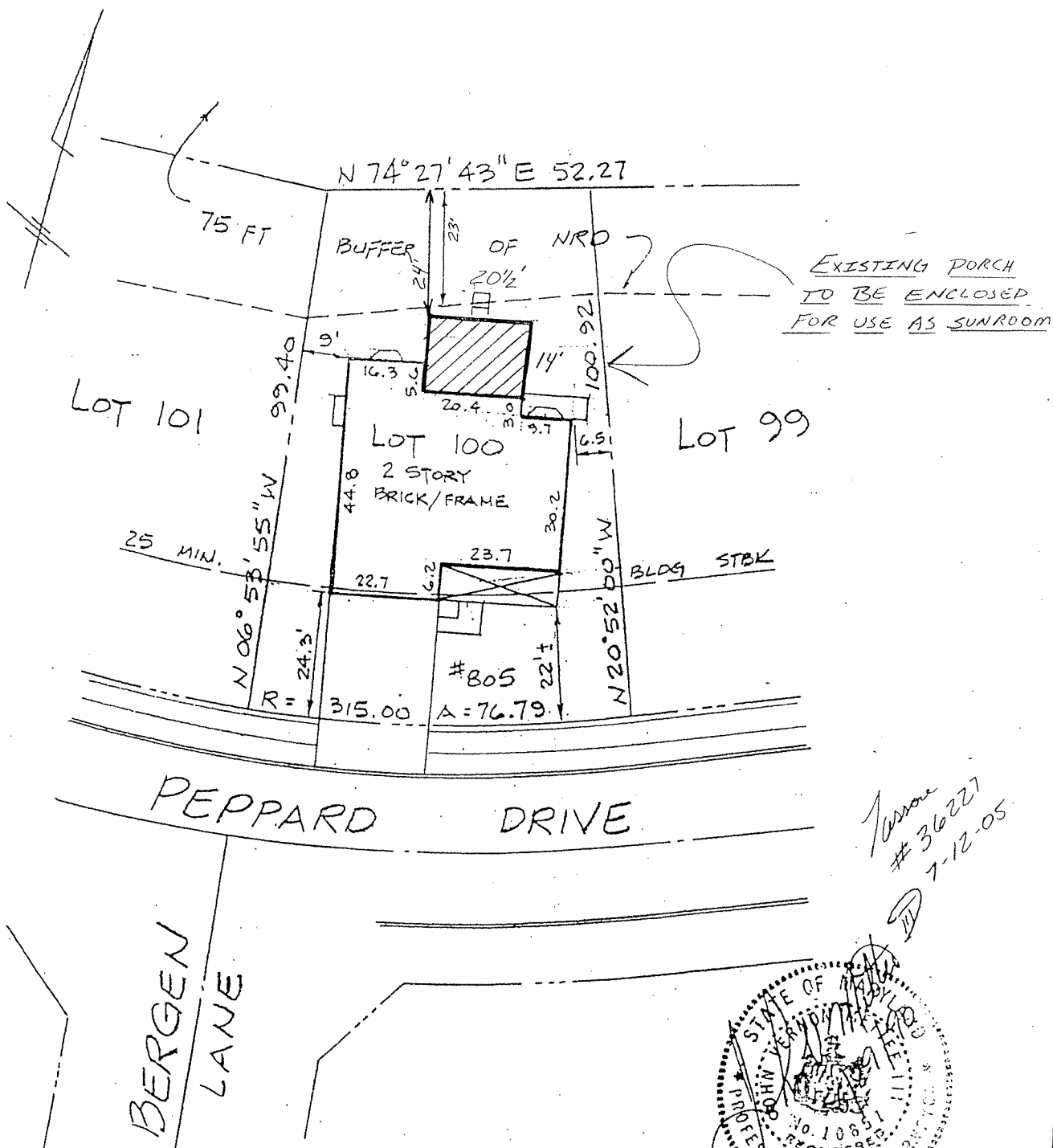
feet per R3 CDP zoning. (variance request of six feet)

Justification

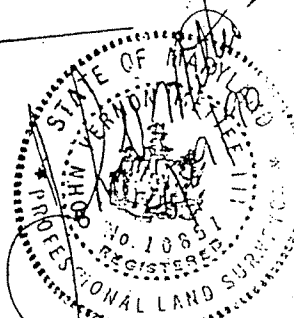
X PROVIDE AN OUTDOOR AREA PROTECTED FROM BUGS, FLIES, BEES AND MOSQUITOS. THIS ROOM ALSO PROVIDES PROTECTION FROM THE SUN. THE ENCLOSURE WILL PROVIDE ADDITIONAL INSULATION FOR THE HOUSE REDUCING HEATING AND A/C COSTS

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Survey of property known as 805 PEPPARD DRIVE also known as Lot# 100 as shown on Plat of BRENTWOOD PARK - SECTION 4 and recorded among the Land Records of HARFORD County in Plat Book 61 Folio 61. The Lot shown hereon appears on the FEMA-Flood Rate Map-Community Panel No. 240040 091A (effective date 3/2/83) and is situated within Zone 'C' and not within 100 year flood plain, as shown on said map. The information on this plat shows only that the improvements indicated hereon are located as shown within the outlines of the lot upon which they are erected, and is not to be construed as an establishment of property lines.



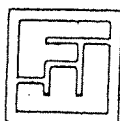
Survey #36227
7-12-05



BK: BW #11 PG 55

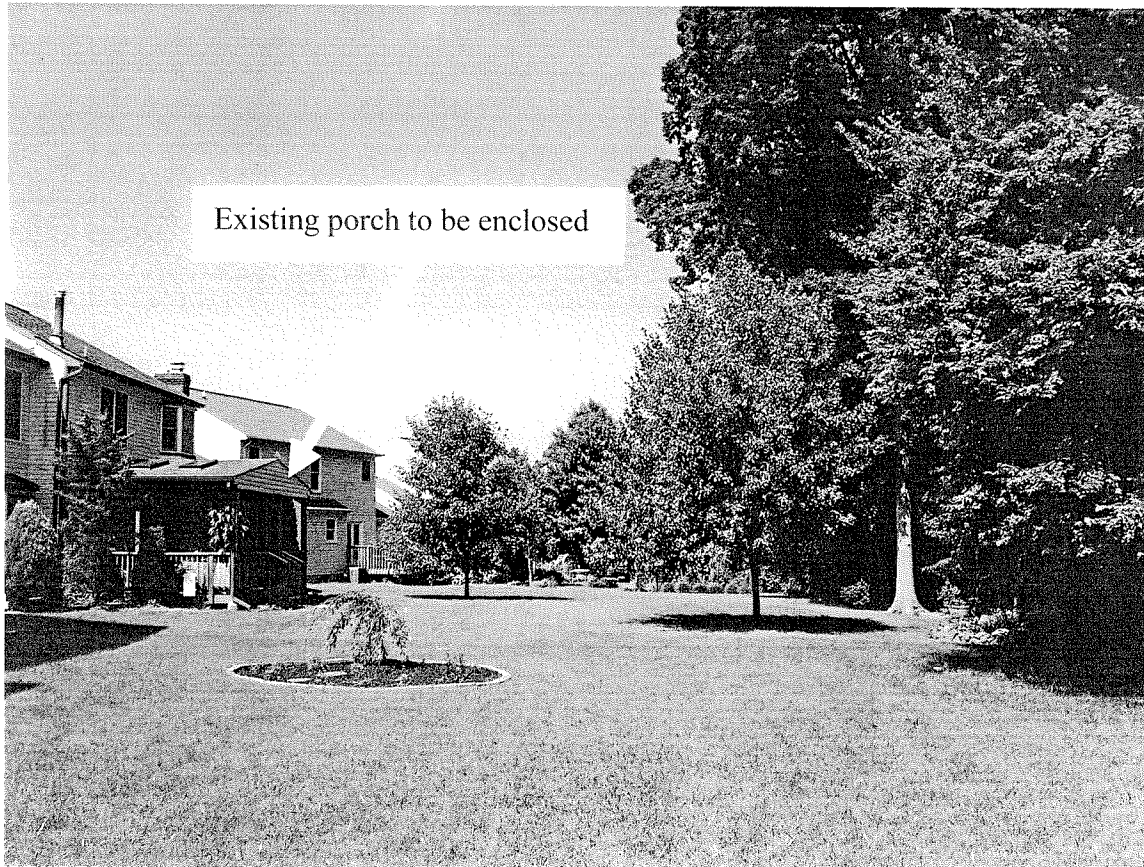
SCALE 1"=30'	DATE 8/29/90
DR. BY JVM	CH. BY JVM
PLAT NO. 61/61	JOB NO. 90254

FREDERICK WARD ASSOCIATES, INC.
ENGINEERS-ARCHITECTS-SURVEYORS
5 SOUTH MAIN STREET
BEL AIR, MARYLAND 21014-0310
(301) 838-7900 (301) 878-2090



LOCATION OF
EXISTING STRUCTURE
LOT 100
PLAT 1 - SECTION 4
BRENTWOOD PARK
THIRD ELECTION DISTRICT

*Variance Photo's for:
805 Peppard Dr.
Bel Air, MD 21014*



DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



ANTHONY S. McCLUNE
ACTING DIRECTOR OF PLANNING & ZONING

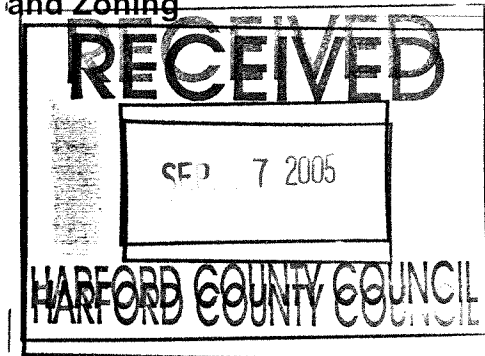
HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

September 6, 2005

STAFF REPORT

BOARD OF APPEALS CASE No. 5507



APPLICANT/OWNER: Gerald Tassone
805 Peppard Drive, Bel Air, Maryland 21014

Co-APPLICANT: Betty Ann Tassone
805 Peppard Drive, Bel Air, Maryland 21014

REPRESENTATIVE: Applicants and Patio Enclosures Inc. (Contractor)
224 8th Ave NW Glen Burnie, Maryland 21061

LOCATION: 805 Peppard Drive – Brentwood Park
Tax Map: 48 / Grid: 1E / Parcel: 234 / Lot: 100
Election District: Third (3)

ACREAGE: 6,534± square feet
0.15± of an acre

ZONING: R3/Urban Residential District – Conventional with Open Space
Development (R3/COS)

DATE FILED: July 20, 2005

HEARING DATE: September 26, 2005

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

“Request a variance to allow an exiting roofed porch to be enclosed with glass for a one story 21’ x 14’ unheated enclosed sun room with a rear yard setback of 23 feet in lieu of the required 30 feet per R3/COS zoning (variance request of six feet).”

Preserving Harford's past; promoting Harford's future

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Gerald Tassone

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Justification:

“Provide an outdoor area protected from bugs, flies, bees, and mosquitoes. This room also provides protection from the sun. The enclosure will provide additional insulation for the house reducing heating and a/c costs.”

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-36B, Table VI of the Harford County Code to allow an enclosed sunroom to maintain a 23-foot rear yard setback (30-feet required) in the R3/Urban Residential District – Conventional with Open Space Development (R3/COS).

Enclosed with the report is a copy of Section 267-36B, Table VI of the Harford County Code (Attachment 1).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants' property is located in the Brentwood Park development off the south side of Vale Road and to the east of Red Pump Road. The lot is situated on the north side of Peppard Drive across from Coburn Court. The lot backs up to an area of Natural Resource District (NRD). A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The land use designations in the area include Low and Medium Intensities. The Natural Features map reflects parks and stream systems. The subject property is designated as Medium Intensity, which is defined by the 2004 Master Plan as:

Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in the area conform to the overall intent of the Master Plan. The predominant land use is residential. Residential uses include single-family dwellings, garden

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Gerald Tassone

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apartments, townhouses and condominiums. Commercial uses are generally found within the Town of Bel Air, and along Rocks Spring Road (MD Route 24) to the east. Brentwood Park is a community with single-family dwellings, townhouses and condominiums. The topography for the area ranges from level to steep especially near the stream valleys. A topography map and a copy of the aerial photograph are enclosed with the report (Attachments 6 and 7).

The Applicant's lot is located on the north side of Peppard Drive and is basically rectangular in shape. The lot is approximately $0.15\pm$ (6534 square feet) of an acre in size. The property is basically level which is typical of the surrounding lots. The lot backs up to a densely wooded area that is recorded as open space and designated as Natural Resource District. Improvements consist of a brick and frame 2-story dwelling with an attached 2-car garage, concrete driveway and a covered deck attached to the rear of the dwelling. The lot is nicely landscaped and all of the improvements appear to be well maintained. Across the rear of the lot is an area recorded as Natural Resource Buffer. It is approximately 48 to 50-feet from the rear of the applicant's covered deck to the edge of the trees. The applicant's lot ends approximately 24-feet from the deck. They currently mow and maintain approximately 24-feet beyond their lot. They have also cleared an area approximately $25\pm$ -feet in depth into the woods where they have a flower garden and a hammock hanging between 2-trees (see site photographs). The flower garden and hammock are off of the Applicant's property. The area within the woods should be left in a natural vegetative state. Enclosed with the report is a copy of the record plat, site photographs, along with an enlargement of the aerial photograph (Attachments 8, 9, 10).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R3/Urban Residential Districts. The subject property is zoned R3/Urban Residential District as shown on the enclosed copy of the zoning map (Attachment 11).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-36B, Table VI of the Harford County Code to allow an enclosed sunroom to maintain a 23-foot rear yard setback (30-feet required) in the R3/Urban Residential District – Conventional with Open Space Development.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department has reviewed the aerial photographs, topography information and conducted a site inspection of the subject lot and the immediate surrounding area. The criteria for a variance

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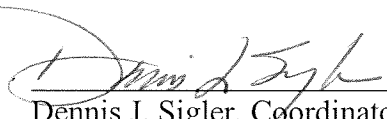
Gerald Tassone


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is to show that there is something unique about the shape of the lot, topography or some other feature that prevents the Applicants from constructing the proposal without Board of Appeals approval. This argument must be unique to the subject lot, setting it apart from others in the area. Based on this criteria, the Department finds that there is not sufficient justification for this request. The Applicants' lot is typical for this development.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance be denied.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review

Anthony S. McClune, Acting Director
Department of Planning and Zoning

DJS/ASM/jf